

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:24-CV-00046-MOC-WCM**

GERTRUDE A. SIEGEL,

Plaintiff,

v.

**TRAILS CAROLINA, LLC,
WILDERNESS TRAINING &
CONSULTING, LLC and DERRY C.
O’KANE,**

Defendants.

**DEFENDANTS’ MOTION FOR
PROTECTIVE ORDER**

NOW COME Defendants Trails Carolina, LLC, Wilderness Training & Consulting, LLC, and Derry C. O’Kane, (hereinafter collectively “Defendants”), by and through their undersigned counsel, and move the Court, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, for entry of a Protective Order, prohibiting Plaintiff from questioning witnesses on an unrelated incident at Trails Carolina in February of 2024 and on other minor enrollees’ treatment at Trails Carolina.

In support of this Motion, Defendants show onto the Court as follows:

1. This case arises from allegations of medical malpractice, which Plaintiff alleges occurred during her 2016 enrollment at Trails Carolina. [DE 1 ¶¶ 1, 32; DE 22 ¶¶ 1, 58].

2. Throughout the pleadings and in motion briefing, Plaintiff continues to reference an unrelated incident that occurred at Trails Carolina in February of 2024, eight (8) years after Plaintiff’s enrollment. [DE 22, 30, 32].

3. Additionally, Plaintiff's Amended Complaint references multiple other minor enrollees at Trails Carolina and disclosure of information regarding their enrollment would be a violation of HIPAA. [DE 22 ¶¶ 60, 75].

4. Following consultation between the parties, on May 7, 2024, Plaintiff has noticed the deposition of Trails Carolina's clinical director, Jeniveve Rollins, for May 20, 2024, and advised of the intention to notice the deposition of Trails Carolina's executive director, Jeremy Whitworth, for May 28, 2024.

5. Upon agreement of dates for the aforementioned depositions, the undersigned counsel advised Plaintiff's counsel that they objected to any line of questioning regarding the February 2024 incident or questioning on other minor enrollees at Trails Carolina. In said email correspondence, the undersigned requested the opportunity to meet and confer with Plaintiff's counsel as to the scope of topics for the depositions of Ms. Rollins and Mr. Whitworth. As of the filing of this Motion, Plaintiff's counsel has not responded to this request to meet and confer. Although, counsel has not yet provided a formal response, Defendants have clear indication in the pleadings and discovery served to date that Plaintiff's counsel intends to seek information on post-enrollment matters at Trails Carolina, including the incident in February of 2024.

6. As the depositions are rapidly approaching, the undersigned counsel had no choice but to file the instant Motion at this time to minimize any delays in the case progression.

7. Pursuant to Rule 26(c)(1), defense counsel has in good faith attempted to confer with Plaintiff's counsel in an effort to solve the dispute without the interference of court.

WHEREFORE, Defendants respectfully request that the Court enter a Protective Order, prohibiting Plaintiff from questioning witnesses on an unrelated incident at Trails Carolina in February of 2024 and on other minor enrollees' treatment at Trails Carolina.

This the 8th day of May, 2024.

/s/DAVID L. LEVY

David L. Levy

NC State Bar No. 34060

/s/KRISTY M. D'AMBROSIO

Kristy M. D'Ambrosio

NC State Bar No. 52817

**Hedrick Gardner Kincheloe &
Garofalo, LLP**

4201 Congress Street, Suite 300

Charlotte, NC 28209

Phone: 704-319-5426

Fax: 704-602-8178

dlevy@hedrickgardner.com

kdambrosio@hedrickgardner.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Defendants' Motion for Protective Order* was served upon all counsel of Record via CM/ECF system.

This the 8th day of May, 2024.

/s/DAVID L. LEVY
David L. Levy
NC State Bar No. 34060